

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA,

v.

GREGORY J. BENOIT

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**No. 3:05-CR-120
(Phillips)**

ORDER

A hearing was held in this case on June 2, 2006 on the following motions filed by the government: (1) motion to continue; and (2) motion to clarify.

The government has moved to continue the evidentiary hearing set for June 2, 2006 because the government has not received copies of recordings relevant to defendant's motion for change of venue. Counsel for defendant stated that he would provide the tapes to the government within the next seven (7) days. Accordingly, the government's motion to continue [Doc. 26] is **GRANTED** and this matter will be rescheduled for an evidentiary hearing on defendant's motion for change of venue on **Friday, July 7, 2006 at 9:00 a.m.** At that time, the court will hear testimony and consider evidence relevant to the motion.

The government has also asked the court to clarify the party who has the burden of proof with regard to the motion for change of venue. The government is correct

that it is the defendant who bears the burden of proof in support of his motion for a change of venue. Therefore, the government's motion [Doc. 27] is **GRANTED**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge